In particular, the Examiner found that Holub anticipates claim 8 by disclosing "transferring images to the remote user's display upon initiation of color display characterization" at col. 13 lines 32-34 and 58-60, and col. 14 lines 22-30, and further disclosing "processing information related to the user's interactions with the images to determine color display characteristics of the remote user's display" at col. 14 lines 27-32 and 41-51, and at col. 13 lines 34-38. Applicants have reviewed the Holub reference with care and are compelled to disagree with the Examiner's understanding of its disclosure.

Specifically, Holub discloses a network of nodes wherein each node has an image rendering device and wherein an image input into the network can be transformed at each node in accordance with color output characteristics of the node's respective image rendering device. Certain of the portions of the specification cited by the Examiner disclose the transmission of the color transformation information between the different nodes, as well as the interaction of various users at multiple nodes to collaborate and negotiate over the final transformation of an image. Applicants have reviewed the entire Holub reference and neither the language cited by the Examiner nor any of the other portions of the specification disclose transferring images to a remote user's display upon initiation of color display characterization.

The other portions of the specification cited by the Examiner disclose the use of CMIs (color measurement instruments) mounted on a rendering device to measure the actual output of the device (e.g. a printed image or a projected image) and control image transformation by the device in accordance with its output. Thus, the method disclosed by Holub entails the use of a measurement instrument to measure color output by an image rendering device, and then control image transformation in

accordance with the measured color output. In contrast, claim 8 entails processing information related to a user's interactions with images displayed on the user's display to determine color display characteristics of the display. The method of the invention thus utilizes the perception of a user (a human) of images displayed upon the user's monitor (display) to deduce how that monitor displays images. The method of the claimed invention does not utilize a measurement instrument, and does not in any way control image transformation by the monitor.

In plain terms, the claimed invention is directed to a method for learning the state of calibration (i.e. color display characteristics) of a monitor by analyzing the interaction of a human with images displayed upon this monitor. The disclosure of Holub, on the other hand, is directed to directly measuring (with an instrument) and then calibrating a plurality of different image rendering devices connected by a network.

Applicants thus submit to the Examiner that Holub does not in fact anticipate claim 8 and this claim is therefore allowable. Claims 9-44 are all dependent upon claim 8, and are therefore also allowable. Claims 45-76 are system claims that correspond to method claims 8-44 and stand rejected for the same reasons as claims 8-44. Thus, Applicants submit that these claims are also allowable for the same reason as claim 8.

In view of the above, Applicants submit that the application is in condition for allowance and respectfully urge the Examiner to consider the claims, allow the claims, and pass this case to issue.

No additional fees are believed to be due. If a fee is in fact due, please charge it to our deposit account No. 09-0946. A duplicate of this paper is enclosed.

Respectfully submitted,

Robert Popa, Registration No. 43,010
Irell & Manella, LLP
1800 Avenue of the Stars, Suite 900
Los Angeles, California 90067
Telephone: (310) 203-7535
Facsimile: (310) 203-7199